

REMARKS/ARGUMENTS

Claims 1-34 are pending in the Application. Claims 4-8, 13, and 15-34 have been withdrawn from consideration as being directed to a non-elected species of the invention. No amendments have been made to the pending claims. Reconsideration of this Application is respectfully requested.

Claims 1-3, 9, 12 and 14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,147,332 to Moorehead. Applicants aver that the rejection is improper because Moorehead fails to teach each and every element recited in the claims. The Examiner has stated that Moorehead discloses, in FIG. 14, "the struts and apertures interspaced around the circumference of a proximal portion of the catheter," and that "Applicant has not defined what he regards as the proximal portion."

Firstly, Applicants contend that they have clearly defined what they regard as the proximal portion of the catheter. Specifically, the Examiner's attention is drawn to FIG. 7 and the corresponding text of the specification, wherein paragraph 0046 states that "catheter 710 includes a plurality of longitudinal struts 711 and longitudinal apertures 712 interspaced around the circumference of proximal portion 713 and paragraph 0052 states that "balloon 730 is operably attached to a distal portion of catheter 710," (emphasis added)."

Secondarily, Applicants respectfully disagree with the Examiner's characterization of the cited reference. Moorehead teaches a catheter having a proximal end and a distal end, and a plurality of valves distributed around the distal end of the catheter. See, *inter alia*, the Abstract and column 17, lines 12-37, which particularly describe the embodiment of FIG. 14. Contrary to the Examiner's assertion, no embodiment of Moorehead teaches valves, or struts, or apertures around the proximal portion of the catheter, as required in part, in Applicant's claim 1. In comparison to the catheter claimed by Applicants, Moorehead teaches valves at the completely opposite end of a catheter. Therefore, claim 1 is not anticipated by Moorehead, and Applicants request that the rejection be withdrawn.

Claims 2-3, 9-12 and 14 depend directly or indirectly from claim 1 and are therefore patentable for at least the reasons described above. Further, the Examiner has failed to point out any parts of Moorehead that are considered to teach the specific limitations of claims 2-3 and 9-12, as required under 37 C.F.R. § 1.104 (c) 2.

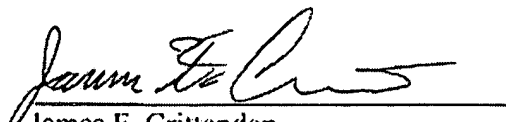
Regarding claim 12, the Examiner has questioned the use of the phrase "narrowly eye shaped." Applicants respectfully draw the Examiner's attention to paragraph 0021, wherein longitudinal apertures 112 are described as being "narrowly eye shaped, an intersection of two circles forming two arcs with a common chord." The Examiner has asked "The apertures are narrowly eye-shaped as compared to what?" The adverb "narrowly" modifies eye-shaped, and Applicants intend this term to have meaning according to ordinary usage and definition. The first listing under "narrow" in *The American Heritage® Dictionary of the English Language*: Fourth Edition, 2000 is "Of small or limited width, especially in comparison with length." Thus, a "narrowly eye-shaped" aperture may be considered to have a small width in comparison with its length. Such a description also corresponds with the drawings of apertures 112, as shown in FIG. 1.

Conclusion

For the foregoing reasons, Applicants believe all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (978) 739-3075 (ET).

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Respectfully submitted,


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